

REMARKS

Claims 1 through 3, 5 through 17, 27, 28, and 30 through 38 are pending in this Application. Independent claims 1, 27, 28, and 30 through 32 have been amended. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, paragraphs [0006] and [0026], and Figs. 3a and 3b and the related discussion thereof in the written description of the specification. Applicants submit that the present Amendment does not generate any new matter issue.

Claims 1, 2, 5 through 7, 9 through 17, 27, 30, 32, 34, and 38 were rejected under 35 U.S.C. § 103(a) for obviousness predicated upon Ellis et al. (“Ellis”) in view of Finseth et al. (“Finseth”) and Collins et al. (“Collins”).

In the statement of the rejection the Examiner concluded that one having ordinary skill in the art would have been led to modify the system of Ellis in view of Finseth, so that a user from the first terminal can send recommendations of programs to a second user thereby allowing friends and acquaintances to highlight programs to each other. Still not there, the Examiner concluded that one having ordinary skill in the art would then have been led to modify whatever system can be said to have been reasonably suggested by the combined disclosures of Ellis and Finseth to enable the modifications additionally forward to a mobile handset as an SMS in view of Collins, so that users can received notifications when they are not in proximity to their televisions. This rejection is traversed.

Prior to assessing the applied references, Applicants would stress that the present invention is based upon enabling one person to transmit directly to one or more other persons,

such as a friend, a notification that the first person or user recommends a particular selected program, and may send a recording flag. See, for example, paragraph [0026] as well as paragraph [0027]. In order for a user to send a notification to a friend, the user must be authorized. See paragraphs [0028] and [0029]. Thus, the present invention focuses upon interactions between individuals i.e., from one user to another user, e.g., a friend. Further, in accordance with the present invention the user can select a program that the user is not necessarily interested in watching, and directly send a notification to another user recommending that selected program.

With the above understanding in mind, Applicants note that in accordance with the claimed invention, a computer program is directly loadable into the internal memory of a digital computer comprising software code portions for performing the following steps wherein the product is run on a computer providing an: electronic program guide for identification of a program of interest; providing selection options for a desired program from the electronic program guide; **creating a notification of the program selected from the electronic program guide; and obtaining transmission of the notification of the program selected from the electronic program guide to at least one remote electronic program guide system, thereby facilitating the method to be implemented in a multimedia system.** Thus, in accordance with the present invention a user can employ his/her personal equipment to send a notification about an interesting program **directly** to another user's equipment. In order for a user to be able to send a notification, the user does not have to set a reminder for himself to watch the program. In other words, the user may not be personally interested in a program, but since the user is aware that a friend may be interested, the user can send a notification **directly** to that friend. As previously pointed out, the user must be **authorized**.

With the above understanding in mind it should be apparent that applied references are quite different from the present invention. Initially, Applicants note that the claims have been clarified to emphasize that the communications between a user and a friend or the second remote electronic program guide memory is **direct**, i.e., without an intermediary. In contradistinction to the present invention the system disclosed by Ellis is an interactive TV guide with remote access. The main features of the invention disclosed by Ellis are that a user can have notification sent to his own other remote devices. Therefore, the receiver of the notice is the user himself. Further, Ellis is conspicuously mute about authorization. See, for example, paragraph [0010].

Further, in accordance with Ellis's system, the notification is sent by the system, based on the user's selected programs. There is no direct communication between a user and another person. Moreover, the user must select a program to watch first, and then it can be accessed remotely through a mobile device. The system can send the user's device reminders about programs that the user scheduled to watch. The bottom line is that, unlike in the present invention, Ellis's reminders are sent from the system to the user, not from one user **directly** to another user directly.

The above argued differences between the claimed inventions and Ellis are not cured by the secondary references. For example, the system disclosed by Finseth automatically stores user viewing preference profiles by tracking the viewing history of each user. See, for example, column 2, line 5. Receiver stations (other users) communicate with each other and exchange viewing preferences. Even though users can share viewing preferences, the user is still not able to send a direct notification to another user. The user can only share his preference history with

other users. If the user is not watching the program, he cannot recommend it to a friend. Recommendations are limited to user's personal preferences.

The tertiary reference to Collins does not cure any of the deficiencies in the attempted combination of Ellis and Finseth. Accordingly, even if the applied references are combined as suggested by the Examiner, and Applicants do not agree that the requisite basis for the asserted motivation has been established, the claimed inventions would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir. 1988). Applicants, therefore, submit the imposed rejection of claims 1, 2, 5 through 7, 9 through 17, 27, 30, 32, 34, and 38 under 35 U.S.C. § 103(a) for obviousness predicated upon Ellis in view of Finseth and Collins is not factually or legally viable and, hence, solicit withdrawal thereof.

Claims 3, 8, 33, and 35 were rejected under 35 U.S.C. § 103(a) for obviousness predicated upon Ellis in view of Finseth, Collins, and Haken.

This rejection is traversed.

Claims 3 and 8 depend from independent claim 1, and claims 33 and 35 depend from independent claim 31. Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of claims 1 and 31 under 35 U.S.C. § 103(a) for obviousness predicated upon Ellis, in view of Finseth and Collins. The additional reference to Haken does not cure the previously argued deficiencies in the attempted combination of Ellis, Finseth, and Collins. Accordingly, even if all of the applied references were combined as proposed by the Examiner, and again Applicants do not agree that the requisite basis for the asserted motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp., supra.*

Applicants, therefore, submit that the imposed rejection of 3, 8, 33, and 35 under 35 U.S.C. § 103(a) for obviousness predicated upon Ellis in view of Finseth, Collins, and Haken is not factually or legally viable and, hence, solicit withdrawal thereof.

Claim 28 was rejected under 35 U.S.C. § 103(a) for obviousness predicated upon Ellis in view of Collins.

This rejection is traversed.

As previously argued, none of the applied references discloses or suggests a method wherein notification of a selected program by a user is transmitted **directly** to a second user's remote electronic program guide or obtaining transmitting directly of a message indicating the selected program. This being the case, even if the applied reference are combined as proposed by the Examiner, and again Applicants do not agree that the requisite motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, *supra*.

Applicants, therefore, submit that the imposed rejection of claim 28 under 35 U.S.C. § 103(a) for obviousness predicated upon Ellis et al. in view of Collins et al. is not factually or legally viable and, hence, solicit withdrawal thereof.

Claims 31, 34, 36, and 37 were rejected under 35 U.S.C. § 103(a) for obviousness predicated upon Ellis in view of Finseth and Collins.

This rejection is traversed. As previously argued, none of the applied references discloses or suggests a computer-readable storage medium comprising computer executable

instructions that when executed performs the method wherein notification of a selected program is received **directly** by or from a first user or first receiver. This being the case it logically follows that even if the applied references are combined as proposed by the Examiner, and again Applicants do not agree that the requisite motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp., supra.* Applicants, therefore, submit that the imposed rejection of claims 31, 34, 36, and 37 under 35 U.S.C. § 103(a) for obviousness predicated upon Ellis in view of Finseth and Collins is not factually or legally viable and, hence, solicit withdrawal thereof.

Based upon the foregoing, it is apparent that the imposed rejections have been overcome, and that all pending claims are in condition for immediate allowance. Favorable consideration therefore is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at 703-519-9954 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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